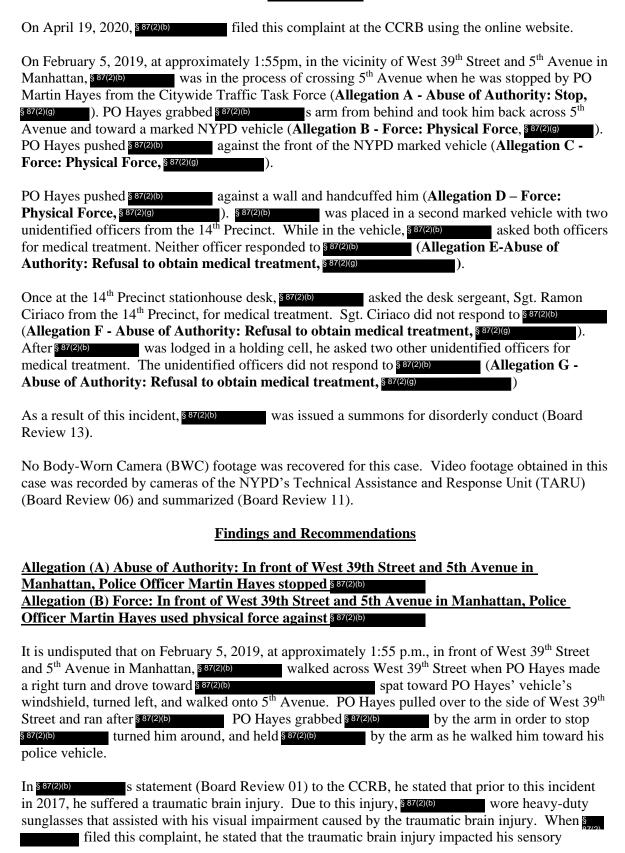
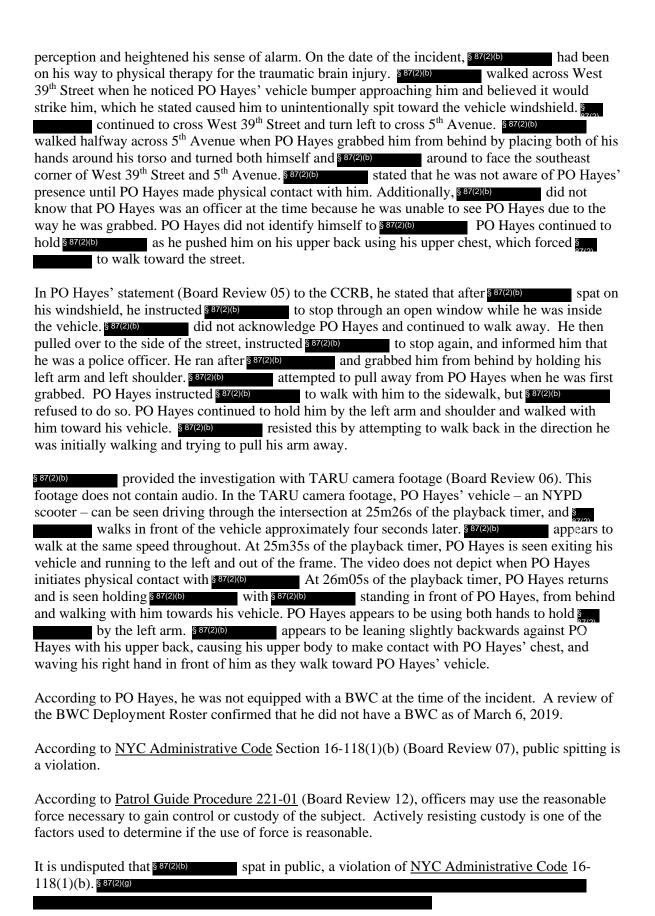
CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:	1	Force		Discourt.	U.S.
Shadman Khan		Squad #12	202002790		Abuse		O.L.	☐ Injury
Incident Date(s)		Location of Incident:		Pı	recinct:	18	Mo. SOL	EO SOL
Tuesday, 02/05/2019 1:55 PM, T 02/05/2019 2:15 PM	uesday,				14	8	3/5/2020	3/22/2021
Date/Time CV Reported		CV Reported At:	How CV Reported:		Date/Time	Rece	eived at CC	RB
Sun, 04/19/2020 5:29 PM		CCRB	On-line website		Sun, 04/19	/2020	0 5:29 PM	
Complainant/Victim	Type	Home Addre	ess					
Subject Officer(s)	Shield	TaxID	Command					
1. POM Martin Hayes	24820	947769	CW T TF					
2. Officers								
3. SGT Ramon Ciriaco	00214	936357	MTS PCT					
Officer(s)	Allegatio	on			Inve	stiga	ator Recor	nmendation
A.POM Martin Hayes		n front of West 39th Stronn, Police Officer Martin						
B.POM Martin Hayes	Manhatta	Force: In front of West 39th Street and 5th Avenue in Manhattan, Police Officer Martin Hayes used physical force against § 87(2)(b)						
C.POM Martin Hayes	Manhatta	Force: In front of West 39th Street and 5th Avenue in Manhattan, Police Officer Martin Hayes hit against a vehicle.						
D.POM Martin Hayes		front of West 39th Stre an, Police Officer Martin wall.		1				
E. Officers	Abuse: In front of West 39th Street and 5th Avenue in Manhattan, officers did not obtain medical treatment for \$137(2)(5)							
F.SGT Ramon Ciriaco		nside the 14th Precinct s Ciriaco did not obtain me						
G. Officers		nside the 14th Precinct s edical treatment for § 87(2		s did	not			

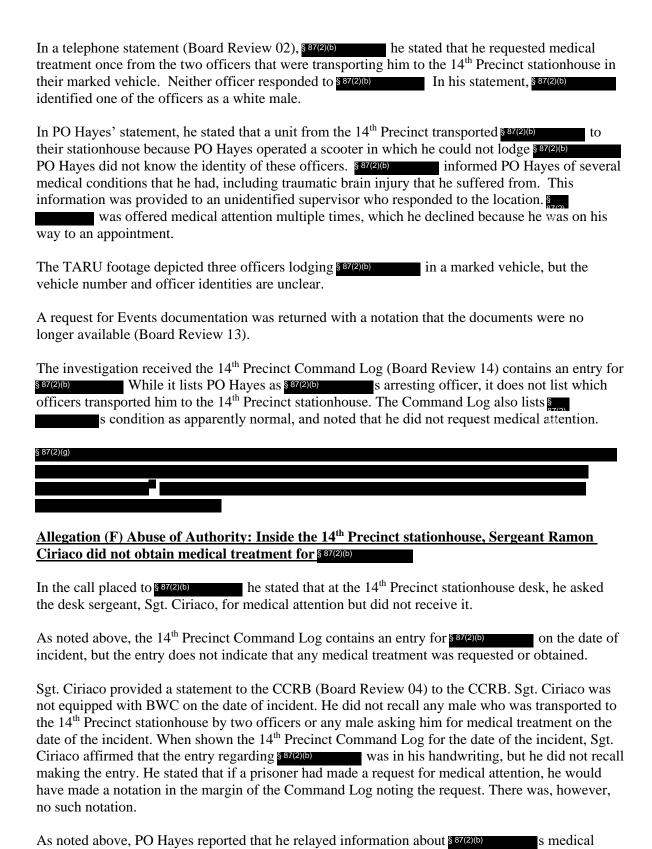
Case Summary





all parties agree about the level of force employed by PO Hayes, namely that PO Hayes held \$87(2)(b) from behind and moved \$97(2)(b) towards his vehicle. TARU footage does not depict the moment when PO Hayes made physical contact with but did depict PO Hayes holding \$97(2)(b) as alleged. Further, the TARU footage depicts \$87(2)(b) leaning his body in the original direction he had been walking while PO Hayes forcefully walks \$87(2)(b) in the opposite direction towards his vehicle. \$87(2)(c)
§ 87(2)(g)
Allegation (C) Force: In front of West 39th Street and 5th Avenue in Manhattan, Police Officer Martin Hayes hit SS7(2)(0) Allegation (D) Force: In front of West 39th Street and 5th Avenue in Manhattan, Police Officer Martin Hayes hit SS7(2)(0) against a wall.
stated that PO Hayes pushed him to the front of PO Hayes' vehicle and pushed his body against the front of it. PO Hayes shouted at \$87(2)(5) and pushed him against a wall until other officers arrived.
PO Hayes stated that after he walked \$87(2)(b) and cooperation. \$87(2)(b) refused to cooperate and refused to provide him with an ID. PO Hayes held onto \$87(2)(b) s arm and shoulder while he asked \$87(2)(b) to explain why he spat on his vehicle. PO Hayes denied pushing \$87(2)(b) against the front of his vehicle. PO Hayes denied pushing \$87(2)(b) against a wall at any point. Once a supervisor and multiple other officers arrived, PO Hayes arrested \$87(2)(b) Two officers from the 14 th Precinct who PO Hayes could not identify arrived and transported \$87(2)(b) to the 14 th Precinct stationhouse.
The TARU camera footage depicted PO Hayes pushing \$87(2)(b) towards his vehicle. The camera's view of PO Hayes and \$87(2)(b) was then obstructed by a structure and poor lighting at the 26m13s mark. As such, this portion of the interaction is not depicted.
As noted above, PO Hayes was not equipped with BWC at the time of incident.
Allegation (E) Abuse of Authority: In front of West 39th Street and 5th Avenue in
Manhattan, officers did not obtain medical treatment for \$87(2)(b)

Page 3



conditions to an unidentified supervisor on scene. While on scene, \$87(2)(b) was offered medical attention multiple times, but declined because he was on his way to an appointment.

The investigation requested the 14th Precinct stationhouse video on April 22, 2020 but stationhouse footage was not available due because such footage is only retained for 30 days and stationhouse filed this complaint 14 months after the date of the incident.

As noted in Allegations A and B, because PO Hayes was not equipped with a BWC during the time of the incident, no BWC footage of his arrest processing was available.

s 87(2)(g)
Allegation (G) Abuse of Authority: Inside the 14 th Precinct stationhouse, officers did not obtain medical treatment for \$87(2)(b)
stated that in the hour he was lodged in a holding cell, he requested medical treatment from two unidentified officers at two different times. Neither officer responded to requests. Serice described one of the officers as a heavy-set white male and the other officer only as a male.
The 14 th Precinct Prisoner Holding Pen Roster (Board Review 16) and Command Log list as a prisoner and PO Hayes as the officer that guarded him. The Prisoner Holding Pen Roster also lists the time of \$87(2)(5) as release. Neither document lists any officer other than PO Hayes as being associated with \$87(2)(5) during this time.
As mentioned in the discussion of Allegation F, the investigation did not receive any stationhouse footage from the 14 th Precinct due to the complaint being filed one year and two months after the date of the incident.
87(2)(g)
Civilian and Officer CCRB Histories
• This is the first CCRB complaint to which \$87(2)(b) has been a party (Board Review
 O8). PO Hayes has been a member-of-service for twelve years and has been a subject in six CCRB complaints and fourteen allegations, none of which were substantiated. §87(2)(9)
• Sgt. Ciriaco has been a member-of-service for fifteen years and has been a subject in one CCRB complaint and two allegations, neither of which was substantiated. §87(2)(9)
Mediation, Civil and Criminal Histories

CCRB Case # 202002790

filed a Notice of Claim with the City of New York (Board Review 03). A

declined to mediate this complaint.

50H hearing was conducted on August 28, 2019.

g 87(2)(b)			
§ 87(2)(b), §	87(2)(a) CPL 160.50		
Squad No.:	<u>12</u>		
Investigator:	Shadman Khan	Investigator Shadman Khan	March 3, 2021
investigator.	Signature	Print Title & Name	Date
	C		
a 11 1		D.C. 1	1 2 2021
Squad Leader: _		IM Carlmais Johnson	March 3, 2021
	Signature	Print Title & Name	Date
Reviewer:			
	Signature	Print Title & Name	Date